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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/097,383	06/16/1998	KARE CHRISTIANSEN	PM254781	2876
909	7590	03/02/2005	EXAMINER	
PILLSBURY WINTHROP, LLP P.O. BOX 10500 MCLEAN, VA 22102			SHAY, DAVID M	
			ART UNIT	PAPER NUMBER

3739

DATE MAILED: 03/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/097,383	Applicant(s) CHRISTIANSEN ET AL.	
	Examiner david shay	Art Unit 3739	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on July 16, 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,8,10-15,18 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,8,10-15,18 and 22-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Applicants' arguments have been considered, but are not convincing. Simply because Eckhouse does not discuss the filtering properties of water, does not alter the physical properties of the material. Applicant has disclosed no special treatment, process, or additive to alter the filtering behavior of the water, therefore the water of Eckhouse will perform, in the same manner, even if Eckhouse were ignorant of these properties. While applicant notes that the embodiment of Figure 4 of Eckhouse does not discuss filters, Eckhouse does mention further embodiment, which does. The examiner has enclosed a data sheet from one of the filters suggested by Eckhouse (Schott OG550), which clearly shows that VV light as blocked.

Regarding Gustafsson, applicant argues that the water does not function as a filter for the light output. The examiner must respectfully disagree. The light from the flash lamp of Gustafsson must traverse the water before entering pipe 72, where the light is output, thus clearly the light from the lamp is filtered thereby and thus the claimed flow path is taught by Gustafsson.

The rejections set forth in the previous office action are hereby repeated.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 and 22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Eckhouse.

See figures 1-3 and 15-18 and column 5, line 9 to column 11, line 42.

Claims 1-3, 22, and 23 are rejected under 3 U.S.C. 103(a) as being unpatentable over Eckhouse in combination with Gustafsson. Eckhouse teaches a device as claimed except for the specific recitation of the flow path. Gustafsson teaches a xenon lamp using circulating water to cool flash tubes and an optical fiber applicator with a convex tip. It would have been obvious to

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the artisan of ordinary skill to employ the lamp and cooling system of Gustafsson in the device of Eckhouse, since Eckhouse gives no particular coolant system design, and since the cooling system of Gustafsson makes the lamp much more effective (see column 2, line 62 to column 3, line 6), thus producing a device such as claimed.

Claims 10-15, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eckhouse in combination with Gustafsson as applied to claims 1, 3, 22, and 23 are above, and further in view of Anderson et al and Optoelectronics. Optoelectronics teaches the use of power supplies that use simmer circuits and apply square pulses to the flash tube. Anderson et al teach the use of square wave pulses and a convex applicator tip. It would have been obvious to the artisan of ordinary skill to employ an applicator tip as taught by Anderson et al since this allows treatment of a larger area, as taught by Anderson et al; to employ the square wave light pulses therein, since this allows a more uniform optical field; to apply a simmer circuit and a power supply to produce square pulses, since these will aid in the production of flat topped optical pulses, which is desirable as taught by Anderson et al; and to provide a concave or parallelepiped shape at the light guide distal end, since these are an obvious design choice to the convex tip and provide no unexpected result, thus producing a device such as claimed.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eckhouse in combination with Gustafsson as applied to claims 1-3, 22, and 23 above, and further in view of Vassiliadis et al. Vassiliadis et al teach the desirability of employing an interlock on a filter. It would have been obvious to the artisan of ordinary skill to employ an interlock on the filter in the device of Eckhouse or Gustafsson since this would provide a safer device, thus producing a device such as claimed.

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Applicant's arguments filed July 16, 2004 have been fully considered but they are not persuasive. The argument are not convincing for the reasons set forth above.

All claims are drawn to the same invention claimed in the parent application prior to the filing of this Continued Prosecution Application under 37 CFR 1.53(d) and could have been finally rejected on the grounds and art of record in the next Office action. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing under 37 CFR 1.53(d). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to David Shay at telephone number (571) 272-4773.



DAVID M. SHAY
PRIMARY EXAMINER
GROUP 330